

# Exhibit A

# COHENMILSTEIN

Powerful Advocates. Meaningful Results.



**"The most effective law firm in the United States for lawsuits with a strong social and political component."**

**Inside Counsel**

**"Class action powerhouse."**

**Forbes**

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## About the Firm

We are trailblazers in plaintiff-side and class action litigation, handling groundbreaking cases resulting in landmark decisions involving antitrust, securities, consumer rights, civil rights, and other far-reaching matters.

We fight corporate abuse by pursuing litigation on behalf of individuals, investors, whistleblowers, small businesses, and other institutions in lawsuits that have raised significant and often novel legal issues.

With more than 100 attorneys in 10 practice areas in eight offices across the country, including Boston, Chicago, Minneapolis, New York, Palm Beach Gardens, Philadelphia, Raleigh, and Washington, we are recognized as one of the largest and most diversified plaintiffs' firms in the country.

We regularly litigate complex matters across a wide range of practice areas:

- Antitrust
- Civil Rights & Employment
- Complex Tort Litigation
- Consumer Protection
- Employee Benefits / ERISA
- Ethics and Fiduciary Counseling
- Human Rights
- Public Client
- Securities Litigation & Investor Protection
- Whistleblower/False Claims Act

In 2023, Law360 recognized three of our practices as a ["2022 Practice Group of the Year"](#) in the areas of employee benefits, competition, and securities law. In 2022, *The National Law Journal* named the firm ["Consumer Protection Law Firm of the Year"](#) and ["Discrimination Law Firm of the Year."](#) Chambers USA and Legal 500 have also consistently recognized Cohen Milstein as a ["Top Tier Firm"](#) and ["Leading Firm"](#) in antitrust, securities litigation, product liability, mass torts, and class actions. The firm has also been named among ["The Best Law Firms for Female Attorneys"](#) in Law360's 2022 ["Glass Ceiling Report."](#)

Our attorneys, individually, are also heralded as among the top in their practices by peer-reviewed surveys and industry organizations, such as American Antitrust Institute, *The American Lawyer*, *Benchmark Litigation*, *Chambers USA*, *Global Competition Review*, *Law360*, *Lawdragon*, *Legal 500*, and *The National Law Journal*.

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## Antitrust

We are widely respected as one of the preeminent plaintiffs' antitrust class action practices in the United States. We focus predominantly on national antitrust class actions, including litigating (and winning) class action jury trials and appeals.

Our class action experience spans all industries, including agriculture, automotive parts, chemicals, oil and gas, financial services, health care, high tech, media and entertainment, pharmaceuticals, and many others.

Our clients include pension funds, businesses, and individuals. We gladly take on – and defeat – formidable opponents, which have included such giants as Dow Chemical, Apple, and The Walt Disney Company.

### Setting Precedents

Our work has shaped the antitrust landscape and helped change industries.



**Novel Antitrust Labor Litigation** – We have spearheaded numerous cases advocating for workers whose employers have conspired to suppress their wages in violation of antitrust laws, including animation workers, poultry workers, and nurses.



**Ground-Breaking Securities Markets Disputes** – We are one of two law firms leading three ground-breaking antitrust lawsuits involving collusion by many of the world's biggest banks in three of the world's largest securities markets, including Interest Rate Swaps, Treasuries, and Stock Lending.



**Cutting-Edge Disputes in Tech** – Our work against Apple, Google, Pixar, and other companies in the tech sector have helped mitigate uncontrolled growth and collusive behavior in this dynamic and quickly evolving industry.

### Our People

Most of our lawyers served as judicial law clerks. Some served in the Department of Justice and other government agencies. Others bring decades of experience at top defense firms.

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## Judicial Recognition for Antitrust

We have been honored to receive enthusiastic praise from courts across the country for our work in antitrust cases.

*"I can't imagine attorneys litigating a case more rigorously than you all did in this case. ... The level of representation of all parties in terms of the sophistication of counsel, was, in my view, of the highest levels. I can't image a case in which there was really a higher quality of representation across the board than this one."*

~ **The Honorable William E. Smith, U.S. District Court for the District of Rhode Island** (*In re Loestrin 24 Fe Antitrust Litigation*, August 27, 2020 final approval hearing.)

*"This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs' Lawyers in the case running it."*

~ **The Honorable Brian M. Cogan, U.S. District Court for the Eastern District of New York** (*In re Dental Supplies Antitrust Litigation*, June 24, 2019 final approval hearing.)

*"[C]ounsel achieved incredible success on the merits of the claims. . . . Liability on these claims was far from certain, and thus the case presented a great deal of risk, as counsel was required to advance all expenses and attorney time to litigate a hard fought case against highly experienced opposing counsel hired by a defendant with ample resources. . . . In almost 25 years of service on the bench, this Court has not experienced a more remarkable result."*

~ **The Honorable John W. Lungstrum, U.S. District Court for the District of Kansas** (*In re Urethanes Antitrust Litigation*, July 29, 2016 final approval hearing.)

*"The exceptional recovery for class members weighs heavily in favor of a greater-than-benchmark award of attorney fees for Plaintiffs' Counsel . . . . This is not the first time the Court has discussed Plaintiffs' Counsel's skill at litigating complex class action cases such as this. The Court's position on Class Counsel has not changed. Suffice to say, the Court takes a favorable view of the breadth and depth of experience of Plaintiffs' Counsel, recognizes the extraordinary efforts they made on behalf of the class, and (as stated above) finds the settlement amount extraordinary."*

~ **The Honorable Anthony W. Ishii, U.S. District Court for the Eastern District of California** (*Carlin v. DairyAmerica Inc.*, May 8, 2019 final approval hearing.)

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*“[Plaintiffs counsel] undertook serious risk in this case throughout the litigation. The lawyering on both sides — but for now I’m just talking to you [Plaintiffs Counsel], because your money was on the line — was excellent.”*

*“This case involved complicated and novel legal issues.”*

*“It has been a pleasure to have read what you write and listen to what you say. For me, this was a fascinating case and it was very well-litigated by all.”*

**~ The Honorable William H. Orrick, U.S. District Court for the Northern District of California** (*In re Lidoderm Antitrust Litigation*, September 6, 2018 final approval hearing.)

*“Few cases with no government action, or investigation, result in class settlements as large as this one.”*

*[Cohen Milstein] was “imaginative” in its successful bid for class certification and had done “outstanding work” overall.*

*“I am personally knowledgeable of the high degree of [Plaintiffs counsel] competence” . . . [they have a] “sophisticated and highly professional approach.”*

**~ The Honorable Michael M. Bayson, U.S. District Court for the Eastern District of Pennsylvania** (*In re Domestic Drywall Antitrust Litigation*, July 16, 2018 final approval hearing.)

*“I think the enforcement of our Nation’s antitrust laws is vitally important to the vibrancy of our economy. Few firms are equipped with the resources and skills to pursue litigation of this complexity and against such well-funded defendants. The skill with which plaintiffs’ counsel acted in this case benefited the class and I would say benefited the American economic system as a whole. That is the importance of antitrust litigation I think.”*

*[Counsel] “has been excellent and have been of great assistance to the Court.*

**~ The Honorable Denise L. Cote, U.S. District Court for the Southern District of New York** (*In Re: Electronic Books Antitrust Litigation*, December 8, 2014 final approval hearing.)

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## | Representative Antitrust Matters

We have recovered billions of dollars in damages for injured plaintiffs in some of the nation's most complex antitrust lawsuits

- ***In re Urethanes Antitrust Litigation (D. Kan.)***: We served as Co-Lead Counsel on behalf of a class of direct purchasers of chemicals used to make many everyday products, from mattress foam to carpet cushion, who were overcharged because of a nationwide price-fixing conspiracy. We secured the largest trial verdict ever in a price-fixing case (\$1.06 billion – after trebling and settlement offsets). Dow Chemical and other leading chemical producers ultimately settled, with combined total settlements of \$974 million.

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- ***Animation Workers Litigation (N.D. Cal.)***: We served as Co-Lead Counsel representing a class of animation and visual effects workers who alleged that Pixar, Lucasfilm, DreamWorks, Disney and other studios conspired to suppress their pay primarily through no-poach agreements. We secured \$168.5 million in total settlements, yielding average awards of more than \$14,000 per class member in this novel “no-poach” pay suppression class action.

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- ***Sutter Health Antitrust Litigation (San Fran. Cnty., Cal.)***: On August 27, 2021, the Court granted final approval of a \$575 million eve-of-trial settlement, which included significant injunctive relief, in this closely watched antitrust class action against Sutter Health, one of the largest healthcare providers in California. Plaintiffs alleged that Sutter restrained hospital competition through anticompetitive contracting practices with insurance companies. We represented a certified class of self-insured employers and union trust funds. In 2018, California's attorney general joined the suit.

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- ***Electronic Books Antitrust Litigation (S.D.N.Y.)***: We secured \$560 million in total settlements against Apple and other e-book developers. The settlements resolved damages claims brought by a class of eBook purchasers and attorneys general from 33 U.S. states and territories.

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- ***In re Ranbaxy Generic Drug Application Antitrust Litigation (D. Mass.):*** On September 19, 2022, the Court granted final approval of a \$485 million global settlement, of which a historic 70% (\$340 million) was achieved on behalf of a certified Direct Purchaser class, in this antitrust and federal RICO case. Plaintiffs alleged that Ranbaxy manipulated the U.S. Food and Drug Administration's generic drug approval process to block competitors from coming to market with less expensive generic versions of their drugs, thereby forcing purchasers to pay supracompetitive prices for their drugs – Diovan, Valcyte and Nexium. We represented the Direct Purchaser class.

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- ***Jien, et al. v. Perdue Farms, Inc., et al. (D. Md.):*** Since July 20, 2021, the Court has preliminarily approved more than \$195.25 million in settlements against eight of the nation's top 12 largest poultry producers, including Perdue Farms Inc., Tyson Foods Inc., and others. Plaintiffs allege that the top poultry processors conspired to depress the wages of poultry processing plant workers in violation of antitrust law. The case is at the vanguard of the movement in antitrust law to protect workers. It is also based on an independent, private factual investigation. We serve as Interim Co-Lead Counsel.

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- ***In re Broiler Chicken Antitrust Litigation (N.D. Ill.):*** We represent a class of end-user consumers of broiler chicken who allege that the nation's top poultry producers, including Perdue Farms and Tyson Foods, agreed to restrict the supply of broilers, among other things, thereby raising their price to consumers. On December 20, 2021, the Court granted final approval of settlements totaling \$181 million with six of the defendants. On May 27, 2022, the Court granted class certification to the classes of direct purchasers, indirect purchasers and end-user consumers. We serve as Co-Lead Counsel.

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- ***In re Domestic Drywall Antitrust Litigation (E.D. Pa.):*** We served as Co-Lead Counsel for a class of direct purchasers of drywall against drywall manufacturers for price-fixing. The Court approved settlements that total more than \$190 million. The Court commented on counsel's "outstanding work," and noted that plaintiffs' counsel had a "sophisticated and highly professional approach." It complimented the attorneys as "highly skilled" and noted that their performance on class action issues was "imaginative." It also stated, "Few cases with no government action, or investigation, result in class settlements as large as this one."

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- ***In re Plasma-Derivative Protein Therapies Antitrust Litigation (N.D. Ill.):*** After four years of litigation, in October 2013, CSL Limited, CSL Behring LLC, CSL Plasma, Inc. (collectively, "CSL"), and the Plasma Protein Therapeutics Association ("PPTA") agreed to pay \$64 million dollars to settle a lawsuit brought by the University of Utah Hospital and other health care providers alleging that CSL, the PPTA, and Baxter agreed to restrict the supply of immunoglobulin and albumin and thereby increase the prices of those therapies. Two months later, Baxter International Inc. and Baxter Healthcare Corp. (collectively "Baxter") agreed to pay an additional \$64 million to settle these claims – bringing the total recovery to the class to \$128 million.
- ***Lidoderm Antitrust Litigation (N.D. Cal.):*** Plaintiffs alleged that manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial and on September 20, 2018, plaintiffs obtained final approval of a \$104.75 million settlement – more than 40% of plaintiffs' best-case damages estimate and the largest end-payor settlement in a federal generic suppression case in over a decade.
- ***Iowa Public Employees Retirement System et al. v. Bank of America Corp. (S.D.N.Y.):*** On June 30, 2022, the Court recommended the certification of a class of investors in this ground-breaking anticompetitive market manipulation class action, in which plaintiffs allege collusion among six of the world's largest investment banks to prevent the modernization of the \$1.7 trillion stock loan market – a critical component of a strong economy. Plaintiffs allege that the scheme was hatched by the banks to preserve their market dominance. On February 25, 2022, the Court granted preliminary approval of an \$81 million settlement against Credit Suisse. Litigation against the other defendants continues.
- ***In Re: Interest Rate Swaps Antitrust Litigation (S.D.N.Y.):*** On February 11, 2022, we filed a motion for preliminary approval of a \$25 million cash settlement against Credit Suisse, one of 12 defendants, in this groundbreaking anticompetitive market manipulation class action, in which plaintiffs allege that 12 Wall Street banks, including J.P. Morgan Chase & Co, Citigroup, Goldman Sachs, Credit Suisse, Bank of America, with conspiring to engineer and maintain a collusive and anti-competitive stranglehold over the interest rate swaps (IRS)

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market – one of the world's biggest financial markets – in violation of federal antitrust laws. We serve as Interim Co-Lead Counsel.

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- ***Cung Le, et al v. Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC (D. Nev.):*** We are Co-Lead Counsel in this compensation suppression class action on behalf of UFC fighters who allege that UFC unlawfully monopolized the mixed martial art (MMA) market (2010 – 2017) by, among other things, locking up fighters with exclusive contracts and acquiring MMA rivals. In September 2020, the Court stated that it would grant class certification, but has yet to issue an order. On June 24, 2021, a second class action was filed against UFC alleging the same claims (July 1, 2017 – present). On July 22, 2021, Bloomberg aired an investigative report on the matter.
- ***Moehrl v. National Association of Realtors (N.D. Ill.):*** We represent home sellers in a proprietary class action against National Association of Realtors (NAR) and the four largest national real estate broker franchisors for conspiring to require home sellers to pay home buyer brokers fees – and at an inflated rate – in violation of antitrust law. Plaintiffs allege that the defendants' conspiracy revolves around NAR's mandatory requirement that sellers make a buyer broker commission offer when listing their home on a Multiple Listing Service. In 2019, the U.S. Department of Justice filed a statement of interest in the lawsuit. On March 29, 2023, the Court granted class certification to two classes, specifically the damages and injunctive relief classes.
- ***In Re: Da Vinci Surgical Robot Antitrust Litigation (N.D. Cal.):*** On January 3, 2022, the Court denied Defendant's motion to dismiss in its entirety in this consolidated antitrust class action against Intuitive Surgical, Inc. Plaintiffs allege that Intuitive engages in an anticompetitive scheme pursuant to which it ties the purchase or lease of its da Vinci surgical robot to the additional purchase of da Vinci maintenance and repair services, including the repair and replacement of the surgical system's EndoWrists—a violation of Sections 1 and 2 of the Sherman Act. We serve as Interim Co-Lead Counsel.

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## Accolades for Antitrust

**Practice Achievement:** Our Antitrust practice is recognized as among the most preeminent in the country:

Law 360 **“Practice Group of the Year - Competition”** (2016, 2022)

Chambers USA **“Antitrust: Plaintiffs - Nationwide”** (2020 – 2022)

Legal 500 **“Leading Plaintiff Class Action Antitrust Firm”** (2010 – 2022)

The National Law Journal **“Finalist - Elite Trial Lawyers - Antitrust”** (2016, 2018, 2019, 2022)

The National Law Journal **“Finalist - Elite Trial Lawyers - Pharmaceutical”** (2019, 2021)

ALM/The National Trial Lawyers **“Antitrust Law Firm of the Year”** (2020)

Law360 **“Practice Group of the Year - Life Sciences”** (2020)

The National Law Journal **“Winner - Elite Trial Lawyers - Antitrust”** (2016)

National Law Journal **Plaintiffs' Hot List** (2011 – 2013, 2015 – 2016)

Law360 **“Most Feared Plaintiffs Firm”** (2013 – 2015)

**Individual Achievement:** Our Antitrust lawyers are recognized as among the best in the industry:

GCR Who's Who Legal **“Global Thought Leaders - Competition”** (2022, 2023)

Chambers USA **“Ranked Individuals”** (2020 – 2022)

Lawdragon **“500 Leading Lawyers in America”** (2016 – 2022)

Lawdragon **“500 Leading Plaintiff Financial Lawyers”** (2019 – 2022)

GCR's Who's Who Legal **“Global Leader: Competition - Plaintiff”** (2017 – 2023)

Legal 500 **“Next Generation Lawyer”** (2017 – 2022)

Law360 **“Rising Stars”** (2018, 2020, 2022)

The National Law Journal **“Rising Stars”** (2022)

Benchmark Litigation **“40 & Under Hot List”** (2018 – 2022)

The National Law Journal **“Elite Women of the Plaintiffs Bar”** (2019, 2021)

Law360 **“Titans of the Plaintiffs Bar”** (2020)

Law360 **“MVP”** (2014, 2016, 2019)

American Antitrust Institute **“Outstanding Antitrust Litigation Achievement by a Young Lawyer”** (2018, 2019)

Legal 500 **“Hall of Fame”** (2017)

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## Christopher J. Bateman, Partner

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### Practice Areas

- Antitrust

### Admissions

- New York

### Education

- Harvard Law School, J.D., cum laude, 2014
- Dartmouth College, B.A., cum laude, 2005

### Clerkships & Fellowships

- Law Clerk, the Hon. Naomi Reice Buchwald, U.S. District Court for the Southern District of New York

**Christopher Bateman** is a partner in Cohen Milstein's Antitrust practice. In this role, he represents a broad range of individuals and organizations in civil litigation, particularly class actions and antitrust litigation.

Mr. Bateman's focus includes emerging antitrust issues within financial markets, and antitrust and securities issues relating to cryptocurrencies. Since 2021, Mr. Bateman has been recognized as a New York Metro Rising Star by Super Lawyers. An active member of the legal community, in 2022 Mr. Bateman was named a Vice Chair of the ABA Antitrust Section's U.S. Comments & Policy Committee.

### Mr. Bateman is working on the following high-profile matters:

- ***In re Interest Rate Swaps Antitrust Litigation (S.D.N.Y.):*** Cohen Milstein serves as Co-Lead Counsel and represents the Public School Teachers' Pension and Retirement Fund of Chicago and other proposed buy-side investor class members in this ground-breaking putative antitrust class action against numerous Wall Street investment banks. Plaintiffs allege that the defendants conspired to prevent class members from trading interest rate swaps on modern electronic trading platforms and from trading with each other, all to protect the banks' trading profits from inflated bid/ask spreads.
- ***Iowa Public Employees' Retirement System, et al. v. Bank of America Corp. et al. (S.D.N.Y.):*** Cohen Milstein is representing Iowa Public Employees Retirement System and other investors who allege that six of the world's largest investment banks, including Bank of America, Credit Suisse, Goldman Sachs, JP Morgan, Morgan Stanley, and UBS, conspired together to prevent the modernization of the \$1.7 trillion stock lending market in order to maintain control over this important financial market.

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- ***In Re: Da Vinci Surgical Robot Antitrust Litigation (N.D. Cal.):*** Cohen Milstein serves as Interim Co-Lead Counsel in this consolidated antitrust class action against Intuitive Surgical, Inc. Plaintiffs allege that Intuitive engages in an anticompetitive scheme under which it ties the purchase or lease of its must-have, market-dominating da Vinci surgical robot to the additional purchases of (i) robot maintenance and repair services and (ii) unnecessarily large numbers of the surgical instruments, known as EndoWrists, used to perform surgery with the robot—a violation of Sections 1 and 2 of the Sherman Act.

Before joining Cohen Milstein, Mr. Bateman was a law clerk for the Honorable Naomi Reice Buchwald, U.S. District Court for the Southern District of New York. Before that, he was a litigation attorney at a distinguished global law firm, where he worked with clients in the financial services and energy sectors.

Mr. Bateman received his B.A., cum laude, *High Honors*, from Dartmouth College, where he was a Rufus Choate Scholar. He received his J.D., cum laude, from Harvard Law School, where he received Dean's Scholar awards in Civil Procedure and in Federal Courts and the Federal System. While in law school, Mr. Bateman was an Article Selection Editor for the *Harvard Civil Rights-Civil Liberties Law Review*. He is the co-author of "Toward Greener FERC Regulation of the Power Industry," 38 *Harvard Environmental Law Review* 275 (2014).

Before attending law school, Mr. Bateman was an editorial associate at *Vanity Fair* for several years, where he wrote about politics, civil rights, culture, and environmental issues.

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## Michael B. Eisenkraft, Partner

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### Practice Areas

- Antitrust
- Securities Litigation & Investor Protection

### Admissions

- New York
- New Jersey

### Education

- Harvard Law School, J.D., cum laude, 2004
- Brown University, B.A., magna cum laude, Phi Beta Kappa, 2001

### Clerkships & Fellowships

- Law Clerk, the Hon. Judge Barrington D. Parker, U.S. Court of Appeals for the Second Circuit, 2007-2008

**Michael B. Eisenkraft** is a partner at Cohen Milstein where he serves in both the Antitrust and Securities practices. He also serves as the administrative partner of the firm's New York office, chairs the firm's New Business Development Committee, and is a member of the firm's Executive Committee.

Mr. Eisenkraft leads the firm's efforts in prosecuting innovative cases relating to the protection of global financial markets.

He currently represents putative classes of investors asserting antitrust or securities claims in the Stock Lending, Interest Rate Swaps, Treasuries, Bristol CVR, KOSPI 200, XIV ETN, and Overstock.com markets. He has also helped investors recover hundreds of millions of dollars in the firm's mortgage-backed securities cases and represents businesses in commercial contingency litigation including cases asserting claims for breach of contract and trade secret misappropriation.

Furthermore, Mr. Eisenkraft serves as co-chair of the Committee on Federal Courts for the New York County Lawyers' Association and on the Judicial Screening Committee for the Westchester County Democratic Party. In 2020, he was appointed by Law360 to serve on its Securities Editorial Advisory Board.

For his work, Mr. Eisenkraft has been widely honored by the legal industry, including by Lawdragon as one of the 500 Leading Plaintiff Financial Lawyers In the United States, by Benchmark Litigation as a "Litigation Future Star" (2023) and "40 & Under Hot List" (2018 and 2019), by Legal 500 as a "Next Generation Partner" (since 2020), by New York Super Lawyers (Rising Star 2013-2019, Super Lawyer 2022) In 2018, Law360 named Mr. Eisenkraft a "Rising Star -- Securities," professionals under 40 whose work belies their age. In the area of Securities. He is rated "AV Preeminent" by Martindale-Hubbell.

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## Mr. Eisenkraft's notable successes at Cohen Milstein include:

- ***NovaStar MBS Litigation (S.D.N.Y.)***: \$165 million settlement on behalf of investors in a Securities Act litigation involving billions of dollars of mortgage-backed securities underwritten by the Royal Bank of Scotland, Wachovia and Deutsche Bank.
- ***HEMT MBS Litigation (S.D.N.Y.)***: \$110 million settlement on behalf of investors in mortgage-backed securities issued and underwritten by Credit Suisse after more than seven years of litigation, which included the first written decision certifying a Securities Act class of mortgage-backed securities in the country.
- ***RALI MBS Litigation (S.D.N.Y.)***: \$335 million in settlements on behalf of investors in mortgage-backed securities issued by Residential Capital and underwritten by various investment banks after seven years of litigation.
- ***Harborview MBS Litigation (S.D.N.Y.)***: \$275 million settlement on behalf of investors in mortgage-backed securities issued and underwritten by the Royal Bank of Scotland and its subsidiaries after more than six years of litigation.
- ***Dynex Litigation (S.D.N.Y.)***: \$7.5 million settlement on eve of trial on behalf of investors in asset-backed securities. The decision certifying the class in the case was the first decision within the Second Circuit certifying a class of asset-backed bond purchasers under the 1934 Act.
- ***China MediaExpress Litigation (S.D.N.Y.)***: \$12 million settlement with auditor defendant in case involving alleged fraud at Chinese reverse merger company China MediaExpress. One of the largest settlements with an auditor defendant in a case involving a Chinese reverse merger company.
- ***LIBOR (Exchange Traded Class) (S.D.N.Y.)***: \$187 million in settlements with defendants, the largest class action settlement of manipulation claims in the history of the Commodity Exchange Act, 7 U.S.C. § 1 et seq.

## Mr. Eisenkraft's current cases include:

- ***In Re: Interest Rate Swaps Antitrust Litigation (S.D.N.Y.)***: Court-appointed co-lead counsel in antitrust class action alleging that major investment banks conspired to prevent an all to all market for interest rate swaps from developing.
- ***In Re: Treasuries Securities Auction Antitrust Litigation (S.D.N.Y.)***: Court-appointed co-lead counsel in antitrust and Commodity Exchange Act class action alleging manipulation of the multi-trillion dollar market for U.S. Treasuries and related instruments.
- ***Stock Lending Antitrust Litigation (S.D.N.Y.)***: Leading antitrust class action alleging that major investment banks conspired to prevent the stock lending market from evolving by boycotting and interfering with various platforms and services designed to increase transparency and reduce costs in the stock lending market.

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- ***Chahal v. Credit Suisse Grp. AG, et al. (S.D.N.Y.)***: Court-appointed co-lead counsel in securities class action alleging fraud and market manipulation of XIV Exchange Traded Note market.
- ***In re: Overstock Securities Litigation: (D. Utah)***: Court-appointed sole Lead Counsel in class action alleging materially false and misleading statements and omissions and engineering a market manipulation scheme during the Class Period of Overstock.com securities.
- ***Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al. (S.D.N.Y.)***: Securities litigation against preeminent market makers for repeated market manipulation tactics involving spoofing of company stock.

Mr. Eisenkraft served as a law clerk to the Honorable Judge Barrington D. Parker of the United States Court of Appeals for the Second Circuit. He is the author or co-author of numerous articles on legal issues in the securities and antitrust fields among other subjects.

Mr. Eisenkraft attended Brown University, where he received a B.A., magna cum laude and Phi Beta Kappa, and graduated cum laude from Harvard Law School.

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## Laura H. Posner, Partner

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### Practice Areas

- Securities Litigation & Investor Protection
- Ethics and Fiduciary Counseling

### Admissions

- New York

### Education

- Harvard Law School, J.D., 2004
- University of California Los Angeles, B.A., magna cum laude, 2001

**Laura H. Posner** is a partner at Cohen Milstein and a member of the firm's Securities Litigation & Investor Protection and Ethics & Fiduciary Counseling practice.

Prior to joining the firm, Ms. Posner was appointed by the New Jersey Attorney General to serve as the Bureau Chief for the New Jersey Bureau of Securities – the top Securities Regulator in New Jersey. In that capacity, Ms. Posner was responsible for administrating and enforcing the New Jersey Uniform Securities Law and regulations thereunder, as well as managing and overseeing the employees who staff the Bureau of Securities. Cases prosecuted under Ms. Posner's direction as Bureau Chief resulted in hundreds of millions of dollars in recoveries for New Jersey residents, as well as more than 20 criminal convictions.

**Ms. Posner is currently involved in the following notable matters:**

- ***In re Wells Fargo & Company Securities Litigation (S.D.N.Y.):*** Cohen Milstein is Co-Lead Counsel in this putative securities class action, alleging that Wells Fargo and certain executives misrepresented that the bank had improved its governance and oversight structures following a widespread consumer fraud banking scandal in direct violation of its 2018 consent orders with the CFPB, OCC, and the Federal Reserve. On May 16, 2023, the Court granted preliminary approval of a historic \$1 billion settlement.
- ***IBEW Local 98 Pension Fund v. Deloitte (D.S.C.):*** Cohen Milstein is sole Lead Counsel in this putative securities class action against Deloitte entities for allegedly breaching its external auditor duties related to as SCANA's multi-billion-dollar nuclear energy expansion project in South Carolina.
- ***Chahal v. Credit Suisse Grp. AG, et al. (S.D.N.Y.):*** Cohen Milstein is Co-Lead Counsel in this putative securities class action alleging fraud and market manipulation of XIV Exchange Traded Note market.

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- ***In Re Overstock Securities Litigation (D. Utah):*** Cohen Milstein is sole Lead Counsel in this putative securities class action against Overstock.com Inc., its former CEO, CFO, and current Retail President for engineering a market manipulation “short squeeze” scheme in the company’s common stock and insider trading.
- ***Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al. (S.D.N.Y.):*** Cohen Milstein is leading this securities litigation against market makers Canaccord Genuity LLC, Citadel Securities LLC, G1 Execution Services LLC, GTS Securities LLC, Instinet LLC, Lime Trading Corp., Susquehanna International Group LLP, and Virtu Americas LLC for repeated market manipulation tactics involving the spoofing of company stock.

**Ms. Posner’s recent high-profile successes include:**

- ***Miller Energy/KPMG (E.D. Tenn.):*** Cohen Milstein, as Co-Lead Counsel in this certified securities class action, represented plaintiffs who alleged that KPMG failed to meet its obligation as the independent auditor of Miller Energy Resources, Inc., perpetrating a massive fraud by Miller Energy, including overstating the value of largely worthless oil reserves to more than \$480 million, among other claims. In July 2022, the Court granted final approval of a \$35 million settlement.
- ***In re Pinterest Derivative Litigation (N.D. Cal.):*** Cohen Milstein, as Interim Lead Counsel, represented the Employees Retirement System of Rhode Island and other Pinterest shareholders in a consolidated shareholder derivative complaint against certain current officers and directors of Pinterest, including its Board Chairman and CEO, for breaches of fiduciary duty and other violations of Section 14(a) of the Exchange Act, relating to their alleged personal engagement in and facilitation of a systematic practice of illegal discrimination of employees on the basis of race and sex. As a result of this illegal misconduct, the company’s financial position, goodwill, and reputation among users had been harmed. In June 2022, the Court granted final approval of a \$50 million settlement.
- ***L Brands, Inc. Derivative Litigation:*** Cohen Milstein, in partnership with the State of Oregon, the Oregon Public Employees Retirement Fund, and other shareholders, helped resolve allegations that officers and directors of L Brands, Inc., previous owners of Victoria’s Secret, breached their fiduciary duties by maintaining ties with alleged sex offender and pedophile Jeffrey Epstein and fostering a culture of discrimination and misogyny at the company. Following a Delaware General Corporate Law Section 220 books and records demand and an extensive, proprietary investigation, L Brands and the now-standalone company, Victoria’s Secret, agreed to stop enforcing non-disclosure agreements that prohibit the discussion of a sexual harassment claim’s underlying facts; stop using forced arbitration agreements; implement sweeping reforms to their codes of conduct, policies and procedures related to sexual misconduct and retaliation; and to invest \$45 million each, for a total of \$90 million, in diversity, equity and inclusion initiatives and DEI Advisory Councils.

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- ***Wynn Resorts, Ltd. Derivative Litigation (Eighth Jud. Dist. Crt., Clark Cnty., Nev.):*** Cohen Milstein represented New York State Common Retirement Fund and the New York City Pension Funds as Lead Counsel in a derivative shareholder lawsuit against certain officers and directors of Wynn Resorts, Ltd., arising out of their failure to hold Mr. Wynn, the former CEO and Chairman of the Board, accountable for his longstanding pattern of sexual abuse and harassment of company employees. In March 2020, the Court granted final approval of a \$90 million settlement in the form of cash payments and landmark corporate governance reforms, placing it among the largest, most comprehensive derivative settlements in history.
- ***Tradex Global Master Fund SPC Ltd. et al. v. Lancelot Investment Management, LLC, et al. (Crc. Crt., Cook Cnty., Ill.):*** In August 2018, the Court granted final approval of a \$27.5 million settlement, concluding a nearly decade-old putative investor class action against McGladrey & Pullen LLP, an accounting firm, for its alleged fraud and negligence arising out of the Tom Petters' Ponzi scheme, one of the largest Ponzi schemes in U.S. history. This case significant for not only the dollar value of the final settlement, but the rarity of such a case in which the auditor was allegedly complicit in its client's fraud, as well as the number of legal hurdles cleared.

Ms. Posner has recovered billions on behalf of defrauded investors. Her notable successes include 5 of the top 100 securities fraud class action settlements of all time, including:

- ***In re Schering-Plough Corp./ENHANCE Securities Litigation (D.N.J.) and In re Merck & Co., Inc. Vytorin/Zetia Securities Litigation (D.N.J.):*** Obtained \$688 million for investors on the eve of trial, the third largest recovery ever achieved in the Third Circuit and District of New Jersey, the second largest securities fraud settlement ever against a pharmaceutical company and among the top 25 securities fraud settlements of all time.
- ***In re The Mills Corporation Securities Litigation (E.D. Va.):*** Obtained \$202.75 million for investors, the largest recovery ever achieved in a securities class action in Virginia, and the second largest recovery ever in the Fourth Circuit.
- ***In re WellCare Health Plans, Inc. Securities Litigation (M.D. Fla.):*** Obtained \$200 million for investors, the largest recovery ever achieved in a securities class action in Florida, and the second largest recovery in the Eleventh Circuit.

Ms. Posner has also been involved in several landmark derivative cases, including the *In re Walt Disney Co. Derivative Litigation*, which redefined the fiduciary duties of corporate directors and officers. She has authored several successful amicus briefs to the United States Supreme Court, most recently on behalf of the North American Securities Administrators Association in support of the SEC in *Liu v. SEC* and *Lorenzo v. SEC* and in support of the Arkansas Teacher Retirement System in *Goldman Sachs v. Arkansas Teacher Retirement System*.

Ms. Posner currently serves as the incoming president of the Institute for Law and Economic Policy, a public policy research and educational foundation seeking to preserve, study and enhance investor and consumer access to the civil justice system. She is also a member of

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the Public Policy Council of the CFP Board. She is the immediate past-Chair of the Association of the Bar of the City of New York's (NYC Bar) Securities Litigation Committee, and previously served as a member of the NYC Bar's Securities Regulation and Consumer Affairs Committees. Ms. Posner also is the former Chairwoman of the North American Securities Administrators Association (NASAA) Enforcement Committee, and previously served on NASAA's Multi-Jurisdictional Action Committee, Technology Committee and State Legislation Committee.

For her work, Ms. Posner has received numerous peer and industry recognitions, including *The National Law Journal's* 2021 Elite Trial Lawyers "Elite Women of the Plaintiffs Bar Award" and *Crain's New York Business* 2020 "Notable Woman in Law." Annually, she is honored as a New York Super Lawyer, as a member of *Benchmark Litigation's* "40 & Under Hot List" and "Future Stars List," and as one of Lawdragon's Leading Plaintiff Financial Lawyers. In 2017, Ms. Posner received NASAA's 2017 "Outstanding Service Award."

Ms. Posner graduated with a B.A. in Political Science, *magna cum laude*, from the University of California, Los Angeles in 2001. She received her law degree at Harvard Law School in 2004, where she served on the Executive Editorial Committee for the *Harvard Women's Law Journal*.

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## Daniel H. Silverman, Partner

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### Practice Areas

- Antitrust

### Admissions

- District of Columbia
- Massachusetts
- New York

### Education

- Harvard Law School, J.D., *magna cum laude*, 2010
- Brown University, B.S., *magna cum laude*, Phi Beta Kappa, 2005

**Daniel H. Silverman** is a partner in Cohen Milstein's Antitrust practice, where he prosecutes class actions on behalf of consumers, small businesses, and employees in a variety of industries in courts around the country.

Mr. Silverman is highly regarded by the legal industry, economists, and academics alike for his deep engagement with economic experts and for successfully shepherding cases through class certification. In 2022, *Law360* named him a "Rising Star - Antitrust," the only plaintiff lawyer to be named, citing Mr. Silverman's keen interest in the dynamic interplay of economics, econometrics, and social science in driving antitrust law and economic justice. *The National Law Journal* also recognized him as a 2022 Elite Trial Lawyers "Rising Star of the Plaintiffs Bar."

Among his successes, Mr. Silverman has helped litigate the following matters:

- **Domestic Drywall Antitrust Litigation (E.D. Pa.):** Co-Lead Counsel in an antitrust litigation alleging that the seven major U.S. manufacturers of drywall conspired to manipulate prices. The Court granted final approval of settlements that totaled more than \$190 million.
- **VFX/Animation Workers: *In re Animation Workers Antitrust Litigation (N.D. Cal.)*:** Mr. Silverman represented a class of animation and visual effects workers in a lawsuit alleging that the defendants, who include Pixar, Lucasfilm Ltd. and DreamWorks Animation, secretly agreed not to solicit class members and to coordinate on compensation. The Court approved settlements with all of the defendants for a total of \$168.5 million.
- **Plasma-Derivative Protein Therapies Antitrust Litigation (N.D. Ill.):** Co-Lead Counsel for plaintiffs alleging a conspiracy to reduce the supply and increase prices of IVIG and Albumin—life-saving therapies derived from blood plasma. The lawsuit was resolved for \$128 million to compensate customers who were overcharged for these vital therapies.

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Mr. Silverman is currently involved in the following notable matters:

- ***In re: Overstock Securities Litigation: (D. Utah)***: Court-appointed sole Lead Counsel in class action alleging materially false and misleading statements and omissions and engineering a market manipulation scheme during the Class Period of Overstock.com securities.
- ***In re Interest Rate Swaps Antitrust Litigation (S.D.N.Y.)***: Co-Lead Counsel in a class action against several of the world's largest investment banks that are alleged to have colluded with one another to crush competition in the trillion-dollar market for interest rate swaps, a type of financial derivative. The case is in active discovery.
- ***Mixed Martial Arts (MMA) Antitrust Litigation (D. Nev.)***: Co-Lead Counsel in a class action on behalf of MMA fighters alleging that Zuffa LLC – commonly known as the Ultimate Fighting Championship or “UFC” – has unlawfully monopolized the markets for promoting live professional MMA bouts and for purchasing the services of professional MMA fighters.
- ***In re Broiler Chicken Antitrust Litigation (N.D. Ill.)***: Co-Lead Counsel representing a certified class of consumers who allege that the defendants, including Perdue Farms and Tyson Foods, agreed to restrict the supply of broilers, thereby raising consumer prices. The Court approved settlements with six of the defendants for a total of \$181 million. Law360 cited plaintiffs' success in Broilers in naming Cohen Milstein a Law360 "Class Action Group of the Year" (2021).
- ***Jien v. Perdue Farms, Inc. (D. Md.)***: Interim Co-Lead Counsel representing a proposed class of poultry plant workers, in a suit alleging that the nation's largest chicken and turkey producers conspired to suppress their compensation. The Court so far has preliminarily approved settlements with four defendants for \$195.25 million and the case is in discovery with the remaining defendants.
- ***Moehrl v. National Association of Realtors (N.D. Ill.)***: Co-Lead Class Counsel representing a certified class of home sellers in litigation against the four largest national real estate services conglomerates, and their trade association. The class alleges that the defendants violated federal antitrust law by conspiring to require sellers to pay the broker representing their homes' buyer (and to do so at an inflated level).

Prior to joining the firm in 2012, Mr. Silverman served as the Executive Director of Legal Economics, LLC, a Cambridge, Massachusetts-based firm specializing in the analysis of complex economic issues related to legal issues. At Legal Economics, he supported expert economic testimony in a variety of antitrust matters involving horizontal price-fixing, mergers, and loyalty discounts in industries ranging from health care and computer hardware to live music promotion. His experience at Legal Economics provides him with unique insight into the inner workings of expert testimony in antitrust matters. In addition, Mr. Silverman has represented public sector clients before the Federal Energy Regulatory Commission, state public utility commissions, and federal appellate courts.

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Mr. Silverman is a *magna cum laude* graduate of Brown University, with a B.S. in Physics, where he was elected to Phi Beta Kappa. He earned a J.D., *magna cum laude*, from Harvard Law School. In law school, he served as a Managing Editor of the *Harvard Environmental Law Review*. Mr. Silverman also served as a summer associate at the U.S. Department of Justice in the Environment and Natural Resources Division, Law and Policy Section.

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## Zachary Krowitz, Associate

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### Practice Areas

- Antitrust

### Admissions

- California
- District of Columbia

### Education

- Stanford Law School, J.D., 2019
- University of Pennsylvania, B.A., *summa cum laude*, 2015

### Clerkships & Fellowships

- Law Clerk, the Hon. Pamela A. Harris, U.S. Court of Appeals for the Fourth Circuit (2020 – 2021)

**Zachary Krowitz** is an Associate at Cohen Milstein and a member of the firm's Antitrust practice group. In this role, Mr. Krowitz represents a broad range of individuals and businesses in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Prior to joining Cohen Milstein, Mr. Krowitz served as a law clerk for the Honorable Pamela A. Harris of the U.S. Court of Appeals for the Fourth Circuit.

Before his clerkship, Mr. Krowitz was an associate at a distinguished global law firm, where he focused on complex commercial litigation matters.

**Mr. Krowitz is working on the following high-profile antitrust matters:**

- ***Jien v. Perdue Farms, Inc. (D. Md.)***: Cohen Milstein serves as Co-Lead Counsel, representing a proposed class of poultry plant workers, in a suit alleging that the nation's largest chicken and turkey producers conspired to suppress their wages.
- ***In re Broiler Chicken Antitrust Litigation (N.D. Ill.)***: Cohen Milstein represents a putative class of broiler chicken consumers in a suit alleging that the nation's largest chicken producers, including Perdue Farms and Tyson Foods, conspired to raise the price of chicken.

Mr. Krowitz received his B.A., *summa cum laude*, from the University of Pennsylvania, B.A., and his J.D. from Stanford Law School, where he was the recipient of numerous awards for outstanding academic performance. During law school, Mr. Krowitz served as Symposium Co-Chair and Senior Editor for the *Stanford Law Review*. He co-authored "Confronting Efforts at Election Manipulation from

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Foreign Media Organizations" in *Securing American Elections: Prescriptions for Enhancing the Integrity and Independence of the 2020 U.S. Presidential Elections and Beyond*, Stanford Cyber Policy Center Freeman Spogli Institute (June 2019).

Before law school, Mr. Krowitz was a staff assistant for U.S. Senator Richard Blumenthal.

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## Nina Jaffe-Geffner, Fellow

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### Admissions

- District of Columbia
- New York

### Education

- Columbia Law School, J.D., 2022
- McGill University, B.A., First Class Honors, 2017

Nina Jaffe-Geffner is a fellow in Cohen Milstein's Fellowship Program. In this role, Ms. Jaffe-Geffner works on litigation matters spanning the firm's antitrust, consumer protection, civil rights and employment litigation, human rights, and securities practice groups.

Ms. Jaffe-Geffner received her B.A., with First Class Honors, from McGill University. She received her J.D. from Columbia Law School, where she was a James Kent Scholar and was awarded the Pauline Berman Heller Prize for her service to gender equality. During law school, Ms. Jaffe-Geffner was the editor-in-chief of the *Columbia Journal of Gender and Law* and participated in several legal internships.